REMARKS

The Office Action of October 4, 2005, and the references cited by the Examiner have now been carefully studied. Reconsideration and allowance of this application are earnestly solicited.

Initially, applicant wishes to thank the Examiner for the complete review of the claims contained in this application as well as the comprehensive Office Action mailed on October 4, 2005.

The undersigned recently contacted the Examiner to indicate that it appears that the claims examined by the Examiner in his Office Action were the original claims which accompanied the July 9, 2001 filing of the instant application. However, the undersigned on March 11, 2003, filed a Preliminary Amendment amending these claims. A copy of this Preliminary Amendment is enclosed herewith along with a copy of our receipt card. To facilitate the prosecution of this patent application, the present amendment amends the claims of the Preliminary Amendment in a manner to approximate the claims originally filed, as amended with respect to the various claim objections and 35 USC §112 rejections contained in the Office Action of October 4, 2005. Since the Patent Office apparently lost the claims contained in the Preliminary Amendment filed on March 11, 2003, thereby resulting in the wrong claims being examined, the Examiner is respectfully reminded that any subsequent Office Action cannot be made final.

The present invention is directed to a method and system utilizing the simple object access protocol (SOAP) to communicate over a communications link, such as the internet to a network element or similar application provided on a second side of a firewall. A translator box is provided on the same side of the firewall as a network element, and would be utilized to translate a SOAP packet into an appropriate command for the network element and then transmit this command to the network element. Prior to the translator box receiving a SOAP packet, a hypertext transfer protocol-simple object access protocol (HTTP-SOAP) would be created and sent as a user request to a read/write server provided on this second side of the firewall after the HTTP portion of the HTTP-SOAP packet has been removed. The read/write server would then transmit the newly formed SOAP message to a network management agent (NMA) server which would build the appropriate

nodal model of the user request. The NMA which is also provided on the second side of the firewall would send a SOAP encoded request to a network element agent (NEA) which would in turn transmit the SOAP encoded request to the translator box.

Initially, it is noted that the Examiner has stated that various elements included and claimed in the instant application were not disclosed in either of the provisional patent applications (60/242,078 or 60/208,045) upon which applicant bases his priority. The undersigned respectfully does not agree with the Examiner's characterization of the provisional patent applications claimed as priority for the instant application. Both provisional patent applications specifically indicate that various protocols such as SOAP would be designed to be transmitted for application-to-application communication from beyond a firewall. As specifically recited in the first paragraph of the second page of the provisional applications, "The DaberNet software installed on the server will run a parser filtering out the XML messages intended for DaberNet, and will translate these messages into the necessary command to be executed beyond the firewall." Therefore, it is clear that both of the provisional applications indicate that the SOAP protocol would be translated into the necessary commands to be executed behind the firewall. It is clear that these commands are to be translated by an element, such as the translator box described and recited in the present application. Therefore, it is respectfully believed that priority for the translator box is properly described in both of these provisional applications. Consequently, the priority date for this and other elements would be the filing date of the first provisional application i.e. May 31, 2000.

The Examiner has indicated that claims 1, 11, 19, 26, 31, 41, 49, 56, 69, 72 and 75 are provisionally rejected over the traditionally created Doctrine of Obviousness-Type Double Patenting as being patentable over claim 1 of applicant's co-pending application S.N. 09/867,469. Upon the Examiner indicating that allowable subject matter is present in this application, the appropriate Terminal Disclaimer will be prepared and filed.

The Examiner has indicated that corrected drawings are required. Therefore, we are providing a copy of a new Figure 6 which illustrates the method of the present invention. Once allowable subject matter is indicated by the Examiner, a formal drawing of Figure 6 would be included. Furthermore, the Examiner has indicated that Figures 1 and 2

are incorrect since NMA, RWS and NEA databases are shown within a single CPU 2. It is respectfully submitted that the use of this second CPU is not contrary to the claims of the present invention and is consistent with the description of the invention as outlined on page 9 of the specification. Therefore, it is believed that Figures 1 and 2 are correct.

The Examiner has objected to a number of claims in paragraph six of the Office Action as well as rejected claims 1, 8, 9, 11, 31, 38, 39, 40, 41, 46, 47, 69, 72 and 75 under 35 USC §112 as being indefinite. The objections and rejections are respectfully traversed.

Applicant appreciates the thoroughness of the Examiner's objections and rejections as to the indefinite nature of the claims. It is submitted that the claims as amended do address the Examiner's objection and rejections and do recite the invention in a definite manner. Consequently, reconsideration and withdrawal of this objection and rejection are respectfully urged.

The Examiner has rejected claims 1, 2, 6, 11, 12, 14, 31, 32, 36, 41, 42 and 44 under 35 USC §103(a) as being unpatentable over U.S. Patent 6,457,066 to Mein et al in view of U.S. published application 2000/0010803 to Oberstein and Official Notice.

The Examiner has indicated that a number of the elements in these claims are disclosed in the Mein patent but that this patent does not mention the usage of a translator which, according to the Examiner, is disclosed in the Oberstein reference. The Examiner went on to indicate that both Mein and Oberstein do not mention about the usage of a first device being a web server, a read/write server as well as the third server being a network management application (NMA) server. The Examiner has taken Official Notice of the concept and advantages of the first device being a web server, the server device being a read/write server and the third server being an NMA server. This rejection is respectfully traversed.

The Oberstein application was published on January 24, 2002 and was filed on May 24, 2001, claiming the benefit of a provisional patent application filed on May 25, 2000. It is important to note that the provisional patent application of Oberstein is markedly different than the utility application filed on May 24, 2001. The provisional patent application to Oberstein is directed to a specific protocol for communicating financial

information from a first user to a second user. As shown in the architectural components drawing in the Oberstein provisional application, a firewall is provided between a web server, an LDAP server, an App server, and a Java servlet engine. An OpenFIX is provided on the second side of the firewall. The OpenFIX is outside of the firewall and sends a message directly to the App server. There is no translator box described, suggested or even implied in the Oberstein provisional patent application. Therefore, since the Oberstein provisional patent application does not include the translator box, the priority date that the Examiner must use for the Oberstein et al reference is May 24, 2001. As previously stated, applicant's first provisional application filed on May 31, 2000, does recite the use of a translation device provided on the second side of the firewall. Consequently, the Oberstein reference cannot be used for the purpose of providing a translator box on the second side of the firewall.

It is noted that claims 1-30 and 76-82 are directed to a method or system for communicating between a first side of a firewall and a second side of the firewall utilizing a translator box provided on the second side of the firewall. The remainder of the claims of the present invention are directed to a method and system for communicating utilizing the SOAP protocol, both the system and method requiring the use of a translator box, but does not specify the location of translator box. Since the patent to Oberstein et al does not include a translator box at all, it is believed that these claims also recite patentable subject matter. Consequently, reconsideration and withdrawal of this rejection are respectfully urged.

It is noted that in the rejections included in paragraphs 11-35 the Examiner cited the Oberstein patent application publication for including a translator box. Since it is believed that this reference cannot be used in this rejection, reconsideration and allowance of all of the claims are respectfully urged.

Additionally, it is noted that the Oberstein et al system was designed to allow brokers, dealers, fund managers, and exchangers to automatically test the baseline operability of the FIX implementations. This was done to allow for the electronic certifying of trade counter parties which would speed up the time to trade between two financial trading partners. This is accomplished by shortening the development phase. However,

without automation and the internet, the integration testing between disparate network business applications would be complex and costly. It is also important to note that the initial provisional patent application was directed to a communications network between two parties. It was not until the filing of the Oberstein utility application that additional protocols were introduced to make heterogenous software operate over the internet. Particularly in the context of the Oberstein provisional patent application, there is no need to provide a secure communications link, including a translator box on the second side of the firewall since it was never contemplated that a communications network, such as the internet be employed. Furthermore, careful reading of the Oberstein patent application publication fails to describe the utilization of a translator box used with the SOAP protocol.

With respect to the Mein patent, the protocol described therein was designed to operate strictly utilizing the Microsoft component model (COM) and would not easily be applied to control and configure devices and applications over the internet and behind a firewall. For these reasons, the combination of the Mein patent and the Oberstein patent application publication do not anticipate or suggest the claims in the present application.

Consequently, reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,

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